

REMARKS

Claims 1-34 are pending in this application. Claims 14-34 were withdrawn by the Examiner as drawn to one or more non-elected groups. Applicants have currently amended claim 1. Support for the amendment can be found throughout the specification and claims as filed, e.g., at page 25, lines 4-32.

35 USC § 102

Claims 1-13 were rejected under 35 USC § 102(b) as allegedly being anticipated by Tanox Inc. (WO 99/55735). The Office Action states, at page 2:

Tanox Inc. (Tanox) teaches a method of screening for agonistic antibody by screening cell proliferation (page 13) and immunoglobulin expression library (page 9). The receptor immunogen expressed in the cell can be recombinant cells expressing the receptor including analogs and fusion proteins (pages 10-12). Single chain, chimeric and humanized antibodies are used or generated in this method (pages (4 and 9).

Applicants respectfully traverse. To anticipate a claim, the reference must teach every element of the claim. Applicants have amended claim 1 to clarify that the cell expresses both a multimer-forming receptor and a test antibody. Tanox does not teach or suggest a method of screening for agonistic antibodies wherein both the antibody and the receptor are expressed by the same cell. Rather, Tanox describes in Example 7 assaying the agonistic activity of antibodies by adding hybridoma culture supernatant or purified antibodies to cells transfected with human G-CSF receptor. Because Tanox does not teach the element of providing a cell that expresses both a multimer-forming receptor and a test antibody, applicants submit that the claims are novel over Tanox and request reconsideration and withdrawal of the rejection.

Concluding Remarks

In light of the arguments made herein, applicants submit that the pending claims are patentable and request early and favorable action thereon. If the Examiner feels it would further prosecution of the present case, he is invited to telephone the undersigned at 617-521-7020.

Applicant : Tetsuo Kojima et al.
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Applicants do not concede any positions of the Examiner that are not expressly addressed above, nor do applicants concede that there are not other good reasons for patentability of the presented claims or other claims.

This reply is being submitted along with a Petition for Extension of Time and the required fee. Please apply any other charges or credits to Deposit Account 06 1050, referencing Attorney Docket No. 14875-135US1.

Respectfully submitted,

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